

Robert Malinowski Testimony

Chairman Cotter & Members of the Judiciary Committee:

My name is Robert Malinowski and I am Vice-Cheif of the Emergency Department at Sinai-Grace Hospital in Detroit. We are privileged at Sinai-Grace to have a Residency Program graduating 12 physicians each year. Over the last few years, we have watched as our graduates move on, not to positions within Michigan, but to positions in other states, and many of them to states where protections afforded in HB4354 have been enacted. Not only are we losing residents to other states, many of our born, raised, educated and trained physicians are leaving for states with more palatable practice environments.

I would like to read a few lines of a letter from Dr. Michael Ross, a Flint native, trained in Detroit where he practiced at Beaumont Hospital, who recently left Michigan to practice in Georgia:

“There were several factors that contributed to this decision: However, for me, the last straw was the difference in medico-legal climates between Georgia and Michigan.

Physicians are driven to perfection, very sensitive, and very conscientious – all attributes that makes them ideal to treat patients in their darkest hours, but vulnerable to senseless attacks on their integrity. Lawsuits are, to say the least, one of the most demoralizing experiences physicians can have. When I have spoken with my lawyer colleagues about this they tell me that

doctors shouldn't take lawsuits so personally - that doctors should simply view lawsuits as a "cost of doing business". But when you are doing your very best to take care of the sickest patients with limited information and resources; that logic simply does not work. Although I have never been found guilty of malpractice, I can tell you that the Michigan tort laws and the nature of emergency medicine make emergency physicians vulnerable to constant harassment by frivolous lawsuits, depositions, interrogatories, and trials. I can also tell you that this simply does not exist in the State of Georgia. It is literally like going to another country. Although my practice of emergency medicine has not fundamentally changed, the litigation experience in Georgia is completely different. As an administrator involved with quality of care initiatives, I can also reassure you that this difference in litigation is not associated with any decline in the quality of care.

I am absolutely convinced that Michigan needs to adopt the same tort laws that have been adopted by Georgia."

This, unfortunately, is not an isolated case. Many of our physicians are looking to states that have better practice environments.

I would like to introduce you to Dr. Amadeo Sturla, an Emergency Medicine Resident, and Zack Jarou, a 4th Year Medical Student from MSU. Dr. Sturla.....